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as are customarily cut down for that purpose. A note to this case collates the other authorities on right of tenant to cut wood for fires or fences.

TITLE TO AEROLITE—In *Oregon Iron Co. v. Hughes*, 81 Pac. 572, the Supreme Court of Oregon, held that an aerolite, though not buried in the earth, is real estate belonging to the owner of the land and not personal property, in the absence of proof of severance. See also *Goodard v. Winchell*, 86 Iowa, 71, 52 N. W. 1124, 17 L. R. A. 788, 41 Am. St. Rep. 481; *Ferguson v. Ray*, 44. Or. 557, 77 Pac. 600, 102 Am. St. Rep. 648.

DRUGGISTS — PRESCRIPTION — REFUSAL TO DELIVER — LIABILITY.—In *White v. McComb City Drug Co.*, decided by the Supreme Court of Mississippi in July, 1905 (38 So. 739), it was held that where a retail drug company willfully refused to deliver to plaintiff his prescription for medicine after having refused to fill the same for the reason that it claimed that plaintiff owed it a bill, it was liable for the damages sustained.

It was further held that where a retail drug company refused to deliver medicine compounded under plaintiff's prescription except on immediate payment of the price in cash, and the medicine was thereupon never delivered, defendant was not entitled to retain the prescription after demand, as a record of its business or as an instrument of evidence.

The court said in part: "But we cannot assent to the proposition that an apothecary who has refused to deliver the medicines called for in the prescription, because the party presenting it is unable or unwilling to comply with his terms as to payment, can retain in his possession the prescription, against a demand for its return. So to hold would be to place the sick largely at the mercy of the apothecary, and to cause suffering, and maybe death, to the poor, in cases where a demand for a cash payment would not be complied with. The rule contended for on behalf of appellees is not necessary for their protection. When a prescription is presented they can easily ascertain before compounding the medicines whether their terms as to payment will be complied with. If the medicines are not delivered, they can have no need of the prescription as record of their business or as an instrument of evidence. Having received a prescription, we think they should either deliver the medicines or return the prescription."

SALES OF MERCHANDISE IN BULK—IS VA. STATUTE UNCONSTITUTIONAL?
SEC. 2460A, VA. CODE 1904.—We have had occasion often to refer to decisions on the constitutionality of the statutes recently enacted in regard to the sale of merchandise in bulk. Statutes on this subject have been adopted in twenty different states or jurisdictions and their constitutionality has been questioned in many cases. More than one-half of these statutes were enacted in 1903-1904 and nearly all of them since 1900. It seems, therefore, reasonable to conclude that they are the result of organized crusades,